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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,174	06/24/2003	Petri Ahonen	887A.0002.U1(US)	1489
29683 7590 05/15/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212				
EXAMINER NGUYEN, PHUOC H				
ART UNIT 2143		PAPER NUMBER		
MAIL DATE 05/15/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,174

Applicant(s)

AHONEN, PETRI

Examiner

Phuoc H. Nguyen

Art Unit

2143

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment filed January 30, 2008.
2. Claims 1-23 are pending in this application. Claims 1-23 is currently amended. This Office Action is made final.

Response to Argument

3. Applicant's arguments filed on January 30, 2008 have been fully considered but they are not persuasive.

The applicant argues in page 9 third paragraph that Barnes fails to disclose the special identifier is provided along with corresponding content to a terminal equipment from a server.

The examiner respectfully submits that the cited reference by Barnes clearly disclose the special identifier as the digital fingerprints of the download/transferring content since the applicant does not clearly define within the claim the structure of the special identifier, rather just a special identifier. Therefore, the examiner has reasonably interpreted or equated the special identifier as the digital fingerprint which is transmitted/transferred along with the media content from the server to the user's equipment. Upon receiving the digital fingerprint, the user's equipment will flawlessly validate the fingerprint with the local database for performing the next action in the queue which includes at least one of storing, keeping, or updating the content presenting to the user as clearly addressed in the paragraphs [0042 and 0053].

The applicant also argues in page 10 first paragraph that the secondary reference by Sasaki fails to disclose the deficiency of Barnes as argued above.

The examiner respectfully submits that the secondary reference does not necessary need to show or disclose the alleged deficiency of Barnes as argued above since the primary reference by Barnes clearly discloses the alleged limitations as addressed above. The examiner only applied the secondary reference in order to teach the missing feature as encrypting the content provided over the network. Clearly, this missing feature is disclosed in the secondary reference by Sasaki and is obvious and reasonable to combine with the primary reference by Barnes to anticipate the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnes et al.
(Hereafter, Barnes) U.S. Pub. No. 20030212762.

Re claim 1, Barnes discloses a method comprising: transferring content arranged from a server located in the data communication network in a data transfer through the data communication network to the terminal equipment for browsing in a browser session (c.g. page 4

paragraph 0041), and if at least a part of the content is associated with at least one special identifier (e.g. digital fingerprints serving as unique identifiers, pages 4-5 paragraph 0041), used for indicating the special character of the content in question in order to manage it in an established manner (e.g. verification of the fingerprints, page 5 paragraph 0043) in which said managing includes at least one of storing, keeping, or updating the content (e.g. paragraphs 0042 and 0053), transferring at least a part of the said content provided with the at least one special identifier to the terminal equipment as background processing essentially without affecting the data transfer of the terminal equipment's browser session proper (e.g. page 3 paragraph 0018; and page 5 paragraph 0043).

Re claim 2, Barnes further discloses characterised in that the data transfer performed as background processing takes place essentially in its own connection context in such a way that it is carried out over a channel of its own and separately from the data transfer proper of the browser session (e.g. page 3 paragraph 0018; page 5 paragraph 0043; and page 6 paragraph 0050).

Re claim 3, Barnes further discloses characterised in that there are two or more of the said identifiers, which identifiers are used for indicating, for example, management steps to be taken with the content and/or a licence procedure pertaining to their management (e.g. pages 4-5 paragraphs 0040-0041).

Re claim 4, Barnes further discloses characterised in that the said content provided with an identifier is transferred to the terminal equipment by a functionality arranged in the data communication network (e.g. page 3 paragraph 0018; page 5 paragraph 0043; and page 6 paragraph 0050).

Re claim 5, Barnes further discloses characterised in that the said content provided with an identifier is transferred to the terminal equipment by the terminal equipment and/or its user (e.g. local cache or memory; page 3 paragraph 0018; page 5 paragraph 0043; and page 6 paragraph 0050).

Re claim 6, Barnes further discloses characterised in that the content provided with an identifier is determined according to the file size of the content (e.g. page 6 paragraphs 0050 and 0052).

Re claim 7, Barnes further discloses characterised in that the content provided with an identifier may include, for example, resource data (e.g. page 5 paragraph 0043).

Re claim 8, Barnes further discloses characterised in that in the method the existence is identified of content stored in the terminal equipment and provided with a special identifier the need for updating of the said content is determined, and if the condition criterion established for the said need for updating is fulfilled, the said content is transferred from the server to the terminal equipment (e.g. page 5 paragraph 0040; page 5 paragraph 0053; and page 9 paragraph 0071).

Re claim 9, Barnes further discloses characterised in that, in addition, the said terminal equipment is identified in the method (e.g. pages 4-5 paragraph 0041 and 0043).

Re claim 10, Barnes further discloses characterised in that in the method in the content requested by the terminal equipment at least one content element is identified, which is provided with the said special identifier and which may be, for example, a link reference and/or any resource file connected thereto, and essentially based on the said identification, the said content is transferred to the terminal equipment (e.g. page 4-5 paragraph 0041 and 0043).

Re claim 12, Barnes further discloses characterised in that at least a part of the content provided with the said identifier is transferred compressed (e.g. content discloses such as .jpg which contain a lossy compression technique; page 4 paragraph 0041).

Re claim 13, Barnes further discloses characterised in that in the said background processing a specific QoS (Quality of Service) is requested of the data communication network (e.g. page 3 paragraph 0021 and page 5 paragraph 0046).

Re claim 14, Barnes further discloses characterised in that the said data transfer performed as background processing is given priority into connection with the other functions of the terminal equipment (e.g. page 3 paragraph 0021).

Re claim 15, Barnes discloses a system comprising: a server in a wireless data communication network for transferring content in a browser session to terminal equipment (e.g. page 4 paragraph 0041), and the terminal equipment including a browser functionality for processing the said content, wherein at least one special identifier is connected to at least a part of the said content (e.g. digital fingerprints serving as unique identifiers, pages 4-5 paragraph 0041), the identifier being adapted to indicate the special character established for the content in question as regards manageability to be carried out with the terminal equipment (e.g. verification of the fingerprints, page 5 paragraph 0043) in which said manageability includes at least one of storing, keeping, or updating the content (e.g. paragraphs 0042 and 0053), wherein the terminal equipment and/or in the data communication network includes functionalities, which are adapted to manage the said content provided with the special identifier and to carry out at least a part of the data transfer relating to the said content as background processing essentially without

affecting the data transfer of the browser session proper of the terminal equipment (e.g. page 3 paragraph 0018; and page 5 paragraph 0043).

Re claim 16, Barnes further disclose characterised in that in the terminal equipment an own data transfer channel is fitted for the data transfer to be carried out as background processing, and wherein the said data transfer is adapted to be carried out essentially in its own connection context (e.g. page 3 paragraph 0018; page 5 paragraph 0043; and page 6 paragraph 0050).

Re claim 18, Barnes further discloses characterised in that the terminal equipment and server include functionalities for compressed transfer of at least a part of the content provided with the said identifier (e.g. content such as .jpg which contain a lossy compression technique; page 5 paragraph 0041).

Re claim 19, Barnes further discloses characterised in that in connection with the terminal equipment and/or the data communication network there is a functionality, which is adapted to identify at least one content reference of the content to be transferred or intended for transfer to the terminal equipment, whereby of the content defined directly or indirectly by the content reference at least a part is transferred to the terminal equipment in consequence of the said identification (e.g. page 3 paragraph 0018; page 5 paragraph 0043; page 6 paragraph 0050; and page 7 paragraph 0058).

Re claim 20, Barnes an apparatus comprising: a network connection, a processor, a display (e.g. Figure 4), the apparatus being in a wireless data communication network, wherein are arranged data transfer devices for carrying out data transfer in the data communication network and browser application for transferring and browsing content arranged in the data

communication network at the apparatus in a browser session (e.g. page 4 paragraph 0041), and wherein at least a part of the said content is associated with at least one special identifier adapted to indicate the special character of the content in question as regards manageability of the content by the browser application (e.g. digital fingerprints serving as unique identifiers, pages 4-5 paragraph 0041) in which said manageability includes at least one of storing, keeping, or updating the content (e.g. paragraphs 0042 and 0053), wherein in the apparatus is also arranged a browser-independent functionality adapted to manage the said content provided with a special identifier and to carry out updating steps when the established criterion condition is fulfilled on at least a part of the said content provided with a special identifier as background processing essentially without affecting the data transfer of the apparatus's browser session proper (e.g. page 3 paragraph 0018; and page 5 paragraphs 0040, 0043, 0053; and page 9 paragraph 0071).

Re claim 21, Barnes further discloses characterised in that in the apparatus is fitted an own data transfer channel for the data transfer carried out as background processing, and wherein the said data transfer is adapted for performance essentially in its own connection context (e.g. page 3 paragraph 0018; page 5 paragraph 0043; and page 6 paragraph 0050).

Re claim 22, Barnes discloses a network connection, a processor, the apparatus being is a wireless data communication network for management of content to be transferred to terminal equipment, wherein the data communication network includes one or more servers, of which at least for some servers content is arranged for transfer to and browsing by the terminal equipment (e.g. page 4 paragraph 0041) and wherein at least a part of the said content is associated with at least one special identifier (e.g. digital fingerprints serving as unique identifiers, pages 4-5 paragraph 0041), which is adapted to indicate the special character of the content in question

when it is being transferred to the terminal equipment, wherein at least one of the said servers includes a functionality, which is adapted to manage the said content provided with a special identifier in which said managing includes at least one of storing, keeping, or updating the content and upon fulfilment of a criterion condition established for the terminal equipment to carry out updating steps on at least a part of the said content as background processing essentially without affecting the data transfer of the terminal equipment's browser session proper (e.g. page 3 paragraph 0018; and page 5 paragraphs 0040, 0043, 0053; and page 9 paragraph 0071).

Re claim 23, Barnes discloses a computer readable medium embodied with a computer program comprising code for browsing content at terminal equipment arranged in a wireless data communication network, wherein the data communication network includes one or more servers, of which for at least some of the servers content is arranged for transfer to an browsing by the terminal equipment (e.g. page 4 paragraph 0041) and wherein at least a part of the said content is associated with at least one special identifier (e.g. digital fingerprints serving as unique identifiers, pages 4-5 paragraph 0041), which is adapted to indicate the special character of the content in question when it is being transferred to the terminal equipment, wherein a functionality is arranged, which is adapted to manage in an established manner the said content provided with a special identifier in which said managing includes at least one of storing, keeping, or updating the content and when the established criterion condition is fulfilled to carry out updating steps on at least a part of the said content as background processing essentially without affecting the data transfer of the terminal equipment's browser session proper (e.g. page 3 paragraph 0018; and page 5 paragraphs 0040, 0043, 0053; and page 9 paragraph 0071).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of Sasaki et al. (Hereafter, Sasaki) U.S. Pub. No. 2002/0077988.

Re claims 11 and 17, Barnes discloses a method in a wireless data communication network for transferring content to terminal equipment wherein at least a part of the content is associated with at least one special identifier; however, Barnes fails to disclose at least a part of the content provided with the said identifier is transferred encrypted.

Sasaki discloses at least a part of the content provided with the said identifier is transferred encrypted (e.g. page 5 paragraph 0045).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Sasaki's teaching into Barnes's method to provide at least part of the content transferred is encrypted in order to secure the data content transferred from one participating entity to another.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/
Primary Examiner, Art Unit 2143